

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT LEE DELP,)	No. CV-11-5121-CI
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF'S
)	MOTION FOR VOLUNTARY
v.)	DISMISSAL, <i>INTER ALIA</i>
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

BEFORE THE COURT is the Plaintiff's Motion for Voluntary Dismissal of the captioned matter pursuant to FED. R. CIV. P. 41(a)(2). (ECF No. 17.) Attorney Jeffrey Schwab represents Plaintiff; Special Assistant United States Attorney L. Jamala Edwards represents Defendant.

Plaintiff, through counsel, filed a Complaint on August 12, 2011. (ECF No. 1, 4.) The parties consented to proceedings before a magistrate judge on August 25, 2011. (ECF No. 7.) On that day, Mr. Schwab filed a Motion to Withdraw as attorney, based on an understanding between Plaintiff and Mr. Schwab that once an appeal was filed, Plaintiff would find a new attorney. (ECF No. 8.) On October 17, 2011, Defendant filed an Answer and the Administrative Record. (ECF No. 13, 14.) On November 30, 2011, the court entered an Order directing Plaintiff to show cause why Mr. Schwab should not be permitted to withdraw. (ECF No. 15.) Thereafter, Mr. Delp informed the court he did not wish to pursue his claims. (ECF No.

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16.) Mr. Schwab, whose Motion to Withdraw as Attorney has not been granted, filed this Motion to dismiss on behalf of Plaintiff based on Plaintiff's stated desire to withdraw his summons and Complaint. (ECF No. 17.) Accordingly, for good cause shown,

IT IS ORDERED:

1. Plaintiff's Motion for Voluntary Dismissal (**ECF No. 17**) is **GRANTED**, and the captioned matter is **DISMISSED WITHOUT PREJUDICE**.

2. Mr. Schwab's Motion to Withdraw as Attorney (**ECF No. 8**) is **GRANTED**.

3. The District Court Executive is directed to file this Order and provide a copy to counsel for Plaintiff and Defendant. No judgment shall be entered and the file shall be **CLOSED**.

DATED January 31, 2012.

S/ CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE